

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF KANSAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 24-cv-150-DMT-CRH

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendants respectfully request that the Court extend their time to answer Plaintiffs' amended complaint by 30 days to January 22, 2025. Counsel for Defendants have conferred with Plaintiffs' counsel, and Plaintiffs do not oppose this requested relief.

Good cause supports this motion:

1. On August 28, 2024, Plaintiffs filed their amended complaint, *see* ECF No. 27, and served it upon Defendants on September 3, *see* ECF No. 42 ¶ 3. Defendants timely moved to dismiss on November 4. *See* ECF No. 108.
2. On December 9, the Court denied the motion to dismiss and granted Plaintiffs' motion for a preliminary injunction and stay. *See* ECF No. 117. Defendants filed their notice of appeal two days later, *see* ECF No. 118, and the parties have since briefed motions to stay the injunction pending appeal in this Court and the court of appeals, *see, e.g.*, ECF Nos. 119, 127, 129.
3. Under Federal Rule of Civil Procedure 12(a)(4)(A), Defendants' deadline to answer Plaintiffs' amended complaint is 14 days after the Court denied the motion to dismiss—December 23.
4. The emergency motion-to-stay briefing and the press of other matters have hampered Defendants' counsel's ability to prepare a satisfactory answer by the December

23rd deadline. In addition, counsel has preexisting family obligations during the end-of-year holiday season.

5. A 30-day extension of time will ensure counsel has sufficient time to prepare a satisfactory answer to the amended complaint.

6. Defendant's counsel conferred with Plaintiffs' counsel regarding this situation, and Plaintiffs do not object to extending Defendants' deadline to answer the amended complaint to January 22, 2025.

7. Accordingly, Defendants respectfully request that the Court extend their time to answer the amended complaint by 30 days to January 22, 2025.

Dated: December 19, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Branch Director
Federal Programs Branch

/s/ Christopher A. Eiswerth
Christopher A. Eiswerth (D.C. Bar No. 1029490)
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 305-0568
Email: christopher.a.eiswerth@usdoj.gov

Counsel for Defendants